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TO: Budget Committee of the Honolulu City Council  
FROM: Natalie Iwasa  
808-395-3233  
SPECIAL  
MEETING: Tuesday, May 10, 2016  
SUBJECT: Bill 14 Honolulu's Operating Budget - **Support Ethics Training**

Aloha Chair Kobayashi and Committee Members,

During the special budget meeting on May 10, I asked the council to include \$6,000 in the Honolulu Ethics Commission's budget for required city employee ethics training. A statement was made that the ethics commission had not asked for this funding. Attached is the March testimony from the chair of the Honolulu Ethics Commission, Victoria Marks. Her request for the \$6,000 is listed on the first page.

Please also note that the caseload of the ethics commission, included in her testimony, is much higher per investigator than in other city departments, which is why I also support funding for an additional investigator.

For your reference, I've attached the bill that mandated the ethics training. It was passed by the council in 2012.

During my testimony I also apologized for a mistake I made in testimony before the full council in April. Councilmember Ozawa had proposed a cut to the ethics commission's budget (attached), and I thought it had been included in the CD1. It wasn't until after the April meeting that I found out it was actually the managing director who cut out the funding for the ethics training.

If I make a misstatement like this in the future, please ask me about it at the time the statement is made.

Please amend Bill 14 to add \$6,000 to cover the mandatory ethics training. It's less than \$1 per city employee.

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**

715 SOUTH KING STREET, SUITE 211 • HONOLULU, HAWAII 96813-3091  
PHONE: (808) 768-7786 • FAX: (808) 768-7768 • EMAIL: [ethics@honolulu.gov](mailto:ethics@honolulu.gov) • INTERNET: [www.honolulu.gov/ethics](http://www.honolulu.gov/ethics)

KIRK CALDWELL  
MAYOR



CHARLES W. TOTTO  
EXECUTIVE DIRECTOR &  
AND LEGAL COUNSEL

March 9, 2016

The Honorable Ann H. Kobayashi, Chair  
and Members of the Budget Committee  
Honolulu City Council  
530 South King Street, Suite 202  
Honolulu, Hawaii 96813

RECEIVED  
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2016 MAR - 8 PM 5: 01

Dear Chair Kobayashi and Councilmembers:

SUBJECT: FY 2017 Operating Budget Review Testimony for Honolulu  
Ethics Commission, Wednesday, March 9, 2016, 1:00 p.m.

Good afternoon Chair Kobayashi and Members of the Budget Committee.  
My name is Victoria Marks, and I am the Chair of the Honolulu Ethics Committee.

The Commission's proposed Fiscal Year 2017 Operating Budget is \$479,305  
which is \$55,042 more than the FY16 budget. The majority of the increase over  
FY16 is due to salary increases.

There are two (2) issues upon which I request your favorable consideration.

First, we have invested in a computer software program, called Mindflash, for  
conducting on-line ethics training for all County Employees. This program has a cost  
of \$6,000 per year to fully operate. We request an additional \$6,000 for this program.

Second, I bring to your attention the fact that the Ethics Commission has  
only one (1) investigator to handle numerous ethics complaints, as described in  
the attachments to this report. Specifically, other county and state administrative  
investigators carry a caseload of about 25 cases per year. The Ethics Commission  
investigator has been carrying a caseload of about 100 cases per year. This has  
been an ongoing concern. We hope that in the future, funds for an additional  
investigator will be made available.

The Honorable Ann H. Kobayashi, Chair  
and Members of the Budget Committee  
March 9, 2016  
Page 2

Thank you for your consideration. I am happy to answer any questions.

Very truly yours,

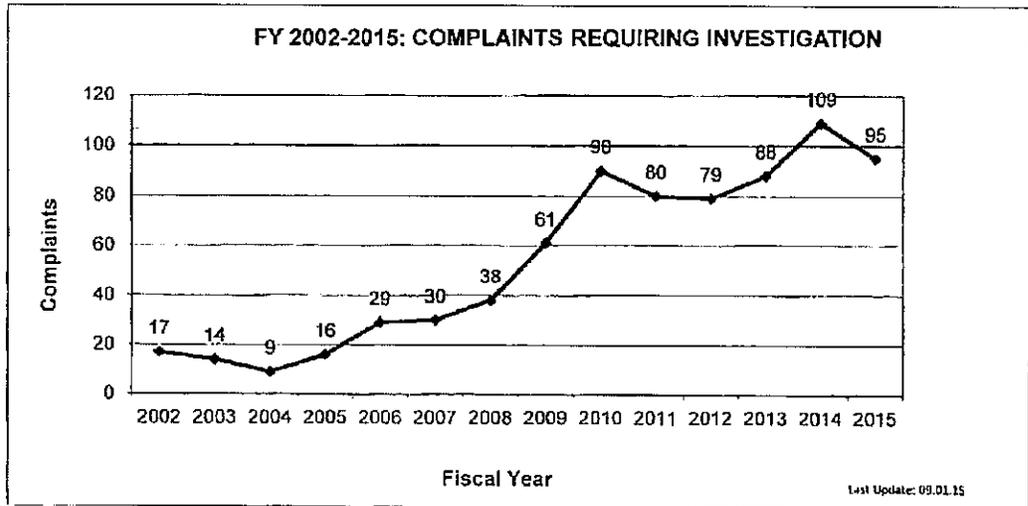
A handwritten signature in black ink that reads "Victoria S. Marks". The signature is written in a cursive style with a large, looping initial "V".

Victoria S. Marks, Chair  
Honolulu Ethics Commission

cc: Nelson H. Koyanagi, Jr. Director, Department of Budget and Fiscal Services  
Roy K. Amemiya, Jr., Managing Director  
Budgetary Administrative Division  
Division of Corporation Counsel

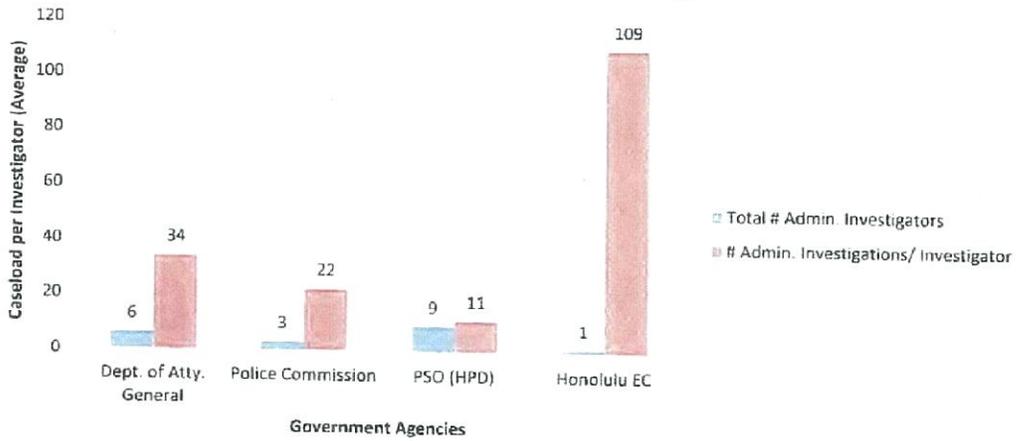
Attachments

Complaints	Fiscal Year
17	2002
14	2003
9	2004
16	2005
29	2006
30	2007
38	2008
61	2009
90	2010
80	2011
79	2012
88	2013
109	2014
95	2015
<b>Average 11:</b>	
15	90



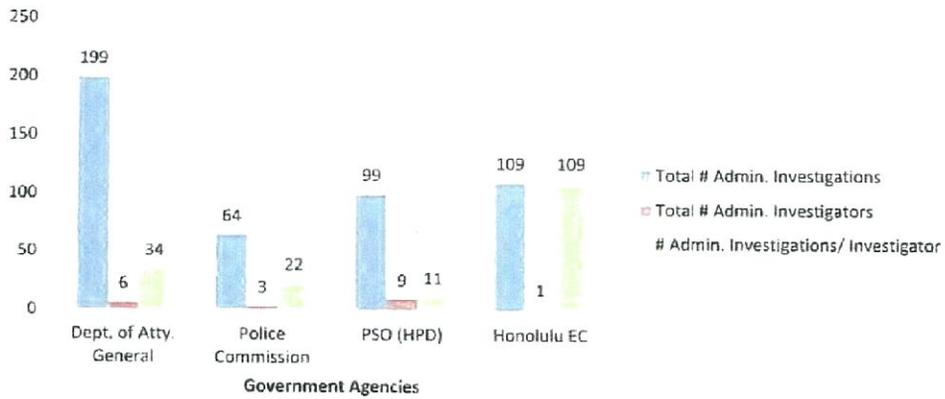
	Dept. of Atty. General	Police Commission	PSO (HPD)	Honolulu EC
<b>Total # Admin. Investigators</b>	6	3	9	1
<b># Admin. Investigations/ Investigator</b>	34	22	11	109

### Average Caseload Per Investigator

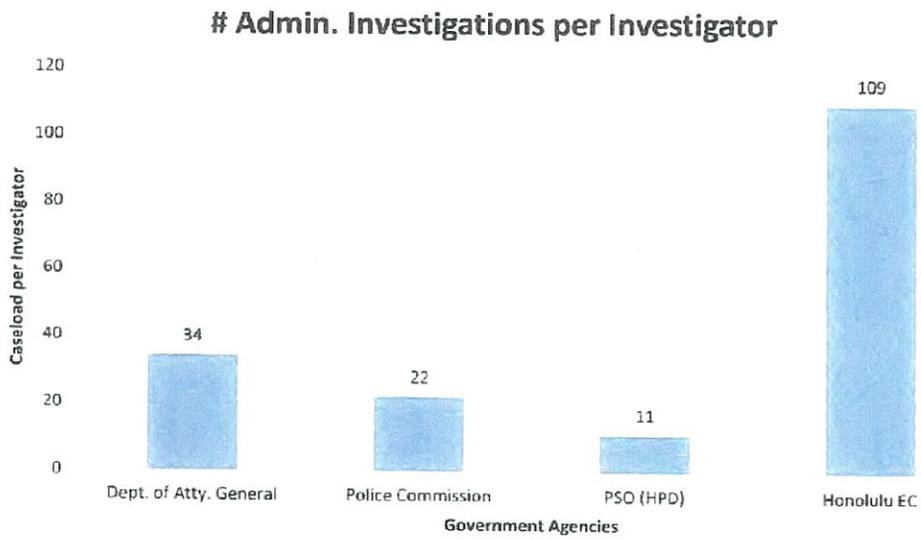


	Dept. of Atty. General	Police Commission	PSO (HPD)	Honolulu EC
<b>Total # Admin. Investigations</b>	199	64	99	109
<b>Total # Admin. Investigators</b>	6	3	9	1
<b># Admin. Investigations/ Investigator</b>	34	22	11	109

### Master

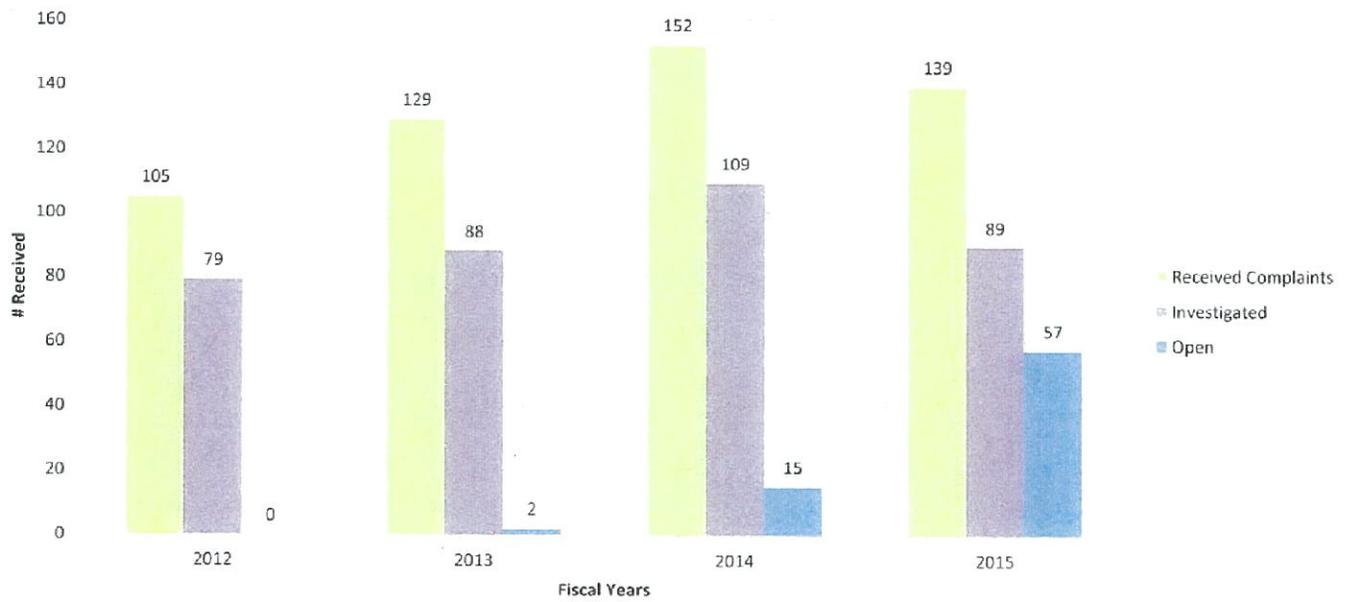


	Dept. of Atty. General	Police Commission	PSO (HPD)	Honolulu EC
# Admin. Investigations/ Investigator	34	22	11	109

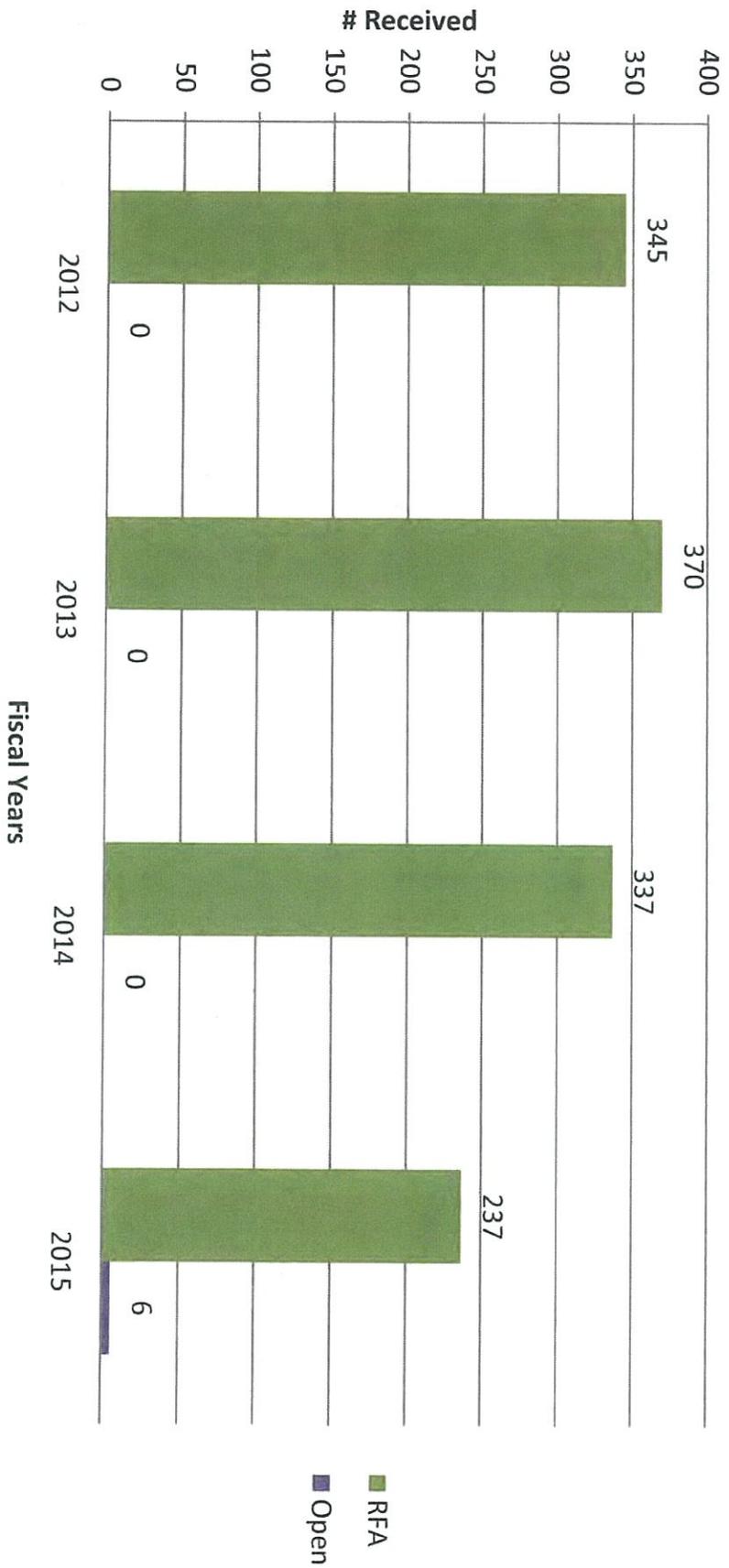


Last Reviewed: 09.01.15

### Total Complaints FY 2012-2015



# Total Request for Advice FY 2012-2015





A BILL FOR AN ORDINANCE

RELATING TO ETHICS TRAINING.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to expand ethics training, currently required for all city supervisors, manager, board and commission members and elected officers, to be required for all city personnel.

SECTION 2. Section 3-6.10, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 3-6.10 **Training of [management or supervisory officer or employee] officers and employees on standards of conduct.**

- (a) Each [management or supervisory] officer or employee shall complete a training program on the standards of conduct established under Article XI of the charter and Article 8 of this chapter.

For purposes of this section [only, "management officer"], "officer" includes a person who is an "officer" due to membership on a board or commission. The term does not include a member of an advisory committee established under the executive branch pursuant to Section 4-103 of the charter or under the council pursuant to council rule or resolution.

The program shall provide training and information which gives the [management or supervisory] officer or employee knowledge of at least the following:

- (1) The various standards of conduct applicable to [the management or supervisory officer or employee, subordinate officers or employees,] officers and employees, and former officers or employees who appear before the [management or supervisory] officer's or employee's agency;
- (2) Actions which [the management or supervisory officer or employee or a subordinate officer or employee] officers or employees must or may take to avoid a violation of a standard of conduct;
- (3) Actions which the [management or supervisory] officer or employee may take when ordered or requested by a superior officer or employee to violate a standard of conduct;



A BILL FOR AN ORDINANCE

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- (4) Remedies which may be sought by the [management or supervisory] officer or employee when knowing or suspecting that another person has violated a standard of conduct; and
- (5) Requirements concerning the filing of financial disclosures and conflict of interest disclosures by [the management or supervisory officer or employee and subordinate officers or employees.] officers and employees.
- [(b)] The management or supervisory officers or employees required to complete the training program of this section shall be the same as those required to complete the sexual harassment training program pursuant to Section 1-17.11 and board and commission members who are "management officers" under subsection (a).
- (c)](b) The ethics commission shall formulate the training program and provide it to [management or supervisory] officers or employees according to the following timetable:
- (1) [For a management or supervisory officer or employee who occupies the management or supervisory position on July 1, 2001, the ethics commission shall provide the training program] Officers or employees employed on the effective date of this ordinance, who have not previously received ethics training shall receive the training within two years of that date; and
- (2) [For a management or supervisory officer or employee who is elected or appointed to the management or supervisory position after July 1, 2001, the ethics commission shall provide the training program] Officers or employees elected, appointed, or hired after the effective date of this ordinance shall receive ethics training within six months of the election [or appointment to the position.], appointment, or hiring date of the officer or employee. The ethics commission, however, may exempt [such a management or supervisory] an officer or employee from the training program of this subdivision if the officer or employee previously completed the program while occupying a former [management or supervisory] position.
- [(d)](c) The ethics commission shall determine the time interval at which [the management or supervisory officers or employees] officers and employees shall receive retraining on the standards of conduct.



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A BILL FOR AN ORDINANCE

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[(e)](d) The ethics commission may request the department of human resources to assist in formulating, providing, and scheduling the training program. The department may provide the assistance if able and willing to do so.

(e) An officer or employee who fails to timely obtain ethics training may be subject to discipline or penalty pursuant to Section 3-8.5."

SECTION 3. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Ikaika Anderson (B/R)

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\_\_\_\_\_

DATE OF INTRODUCTION:

April 19, 2012  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Waine T. Kawanehi  
Deputy Corporation Counsel

APPROVED this 22<sup>nd</sup> day of June, 20 12.

Peter B. Carlisle  
PETER B. CARLISLE, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE 12-25

BILL 40 (2012), FD1

Introduced: 04/19/12 By: IKAIKA ANDERSON (BR)

Committee: EXECUTIVE MATTERS  
AND LEGAL AFFAIRS

Title: A BILL FOR AN ORDINANCE RELATING TO ETHICS TRAINING.

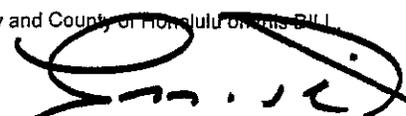
Links: [BILL 40 \(2012\)](#)  
[BILL 40 \(2012\), FD1](#)  
[CR-156](#)  
[CR-193](#)

Voting Legend: Y= Aye, Y\* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

COUNCIL	04/25/12	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS.							
ANDERSON	A	BERG	Y	CACHOLA	Y	CHANG	A	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
PUBLISH	04/28/12	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
EXECUTIVE MATTERS AND LEGAL AFFAIRS	05/01/12	CR-156 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READNIG AND SCHEDULING OF A PUBLIC HEARING.							
COUNCIL/PUBLIC HEARING	05/09/12	CR-156 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS.							
ANDERSON	A	BERG	Y	CACHOLA	Y	CHANG	A	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
PUBLISH	05/21/12	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
EXECUTIVE MATTERS AND LEGAL AFFAIRS	05/22/12	CR-193 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.							
COUNCIL	06/06/12	BILL AMENDED TO FD1.							
ANDERSON	A	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
		CR-193 ADOPTED AND BILL 40 (2012), FD1 PASSED THIRD READING.							
ANDERSON	A	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
BERNICE K. N. MAU, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER

**EXECUTIVE OPERATING BUDGET**  
**PROPOSED AMENDMENT TO BILL 14 (2016)**

PAGE: 16  
DATE: 3/18/2016  
COUNCILMEMBER: Ozawa  
STAFF & PHONE EXT: Kenny x85046  
FUNCTION: General Government  
PROGRAM: Law  
DEPARTMENT: Corporation Counsel  
ACTIVITY: Ethics Commission

DETAILED DESCRIPTION OF AMENDMENT	AMENDMENT				ADDITIONAL EXPLANATION
	POSITION COUNT (+/-)	AMOUNT (+/-)	CHARACTER OF EXPENDITURE	FUND CODE	
Reduce funding for current expenses for OC 3006 - Other Professional Services		(\$5,000)	CE	GN	Reduce funding to FY16 appropriation
Reduce funding for current expenses for OC 3007 - Rent Of Offices		(\$36,046)	CE	GN	This appropriation matches funding for FY16 + 5% to allow for inflation and economic growth.
Reduce funding for current expenses for OC 3049 - Other Services - Not Classified		(\$2,800)	CE	GN	Reduce funding to FY16 appropriation
Reduce funding for current expenses for OC 3403 - Repairs & Maintenance- Equipment (Office Furniture & Equip)		(\$1,000)	CE	GN	Reduce funding to FY16 appropriation